

14-6. Inspections, Sampling, Information Gathering, Subpoenas, and Entry for Response (1200 TN 350 14-6)

1. **AUTHORITY** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, including Sections 104, 109 and 122:
 - a. To enter any vessel, facility, establishment, place, property or location for the purposes of inspections, sampling and information gathering.
 - b. To enter any vessel, facility, establishment, place, property or location to conduct a response action or to carry out any inspections, sampling and information gathering to determine the need for a response action.
 - c. To require the production of information and documents.
 - d. To issue subpoenas.
 - e. To issue compliance orders for production of information and documents.
 - f. To issue compliance orders for entry and inspection.
 - g. To obtain and execute warrants to support this authority.
 - h. To carry out any inspections, sampling and information gathering authorized by the CERCLA.
 - i. To conduct a response action or to carry out any inspections, sampling and information gathering authorized by the CERCLA to determine the need for a response action.
 - j. To designate representatives of the Administrator to perform the functions specified in paragraphs 1.a., 1.b., 1.c., 1.d., 1.e., and 1.g.

2. TO WHOM DELEGATED

- a. The authorities in 1.a. through 1.j. are delegated to the Director, Enforcement and Compliance Assurance Division (ECAD); Chief, Data, Support and Prevention Branch, ECAD; Chief, Oil and Prevention Enforcement Section, ECAD; Chief, Enforcement Support Section, ECAD; Director, Superfund and Emergency Management Division (SEMD); Chief, Federal Facilities and Site Assessment Branch, SEMD; Chief, Federal Facilities Section, SEMD; Chief Site Assessment Section, SEMD; Chief, Site Remediation Branch, SEMD; Chief, Eastern PA Remedial Section, SEMD; Chief, Western PA/MD Remedial Section, SEMD; Chief, DE, VA, WV Remedial Section, SEMD; Chief Preparedness and Response Branch, SEMD; Chief, Eastern Response Section, SEMD;

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Chief, Western Response Section, SEMD; Chief, Preparedness and Support Section, SEMD; Chief, Program Support and Cost Recovery Branch, SEMD; and Chief, Cost Recovery Section, SEMD.

- b. The authorities in 1.a., 1.b. and 1.h. are delegated to the Director, Laboratory Service and Applied Science Division (LSASD).
- c. The authority in 1.c. is delegated to the regional counsel.

3. LIMITATIONS

- a. The delegates must consult with the regional counsel prior to requesting a warrant, issuing subpoenas, or issuing compliance orders.
- b. Regional administrators should consult with the AA for OECA prior to issuing compliance orders regarding information gathering or compliance orders for entry and inspection, or issuing subpoenas, consistent with the most recent version of the "OECA/OSRE CERCLA and RCRA/CWA/UST Roles Chart," or successor documents, as appropriate.

4. REDELEGATION AUTHORITY

- a. The authority in 1.a, 1.b, 1.c, , 1.g, and 1.h. may be redelegated to the staff level.
- b. The authority in 1.e., 1.f., and 1.j. may be redelegated to the section chief level and no further.
- c. This authority may not be redelegated without formal amendment.
- d. An official who redelegates an authority retains the right to exercise or withdraw the authority. Relegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES

- a. Sections 104(e), 109(a), 109(b), and 122(e) of CERCLA.
- b. National Contingency Plan, 40 CFR 300.

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- c. U.S. Environmental Protection Agency Order 3510, "EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities."
- d. EPA Delegation 14-12, "Civil Judicial Enforcement Actions, Including Collection Actions."

6. SUPERSESSION. Delegations Manual, CERCLA, Regional Delegation 14-6. Inspections, Sampling, Information Gathering, Subpoenas, and Entry for Response. 1200 TN RIII 205, (November 30, 2018).

Date: APR 15 2019


Cosmo Servidio
Regional Administrator